

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

Jose Maldonado,	)
Plaintiff	)
	) Case No. 1:23-cv-0068
v.	)
	)
	) Richard A. Lanzillo
Joshua A. Filutze,	) Chief United States Magistrate Judge
Defendants	)

**HEARING MEMO/MINUTE ENTRY**

**Hearing Date:**

**July 18, 2023**

**Time:**

**10:30 AM until 11:25 AM**

**Type of Conference:**

**Oral Argument on Motion to Dismiss**

**Reporter:**

**Veronica Trettel**

**Staff Attorney/Law Clerk:**

**John B. "Sean" Heasley**

**Courtroom Deputy:**

**n/a**

**Counsel for Plaintiff**

Timothy D. McNair, Esq.

**Counsel for Defendant**

Patrick M. Carey, Esq.

**Orders, Remarks, Instructions**

The Court heard oral argument from counsel on the Defendant's pending motion to dismiss (ECF No. 5). The Court indicated that it would convert the motion to dismiss into a motion for summary judgment. The body cam video recording and the video from the doorbell camera (to be submitted on the record) will be considered.

Plaintiff moved orally for leave to take limited discovery (specifically, leave to take Defendant's deposition. The Court took that motion under advisement. The Plaintiff was given until August 18, 2023, to submit any additional briefing or evidence relevant to the conversion of the motion to one for summary judgment.

Upon conclusion of the oral argument, the Court took the motion under advisement. An order will issue in due course.